

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Sumner *et al.*

Serial No. 09/521,242

Filed: April 5, 2000

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: Group Art Unit: 2121
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: Examiner: George B. Davis

For: COMPUTER ARCHITECTURE AND PROCESS OF PATIENT
GENERATION, EVOLUTION, AND SIMULATION FOR
COMPUTER BASED TESTING SYSTEM USING
BAYESIAN NETWORKS AS A SCRIPTING LANGUAGE

Assistant Commissioner for
Patents and Trademarks
Washington, D. C. 20231

**Declaration of Walton Sumner II, M.D.
and Michael D. Hagen, M.D. Under 37 C.F.R. § 1.132**

Dear Sir:

In response to the Office Action dated November 6, 2002, we, Walton Sumner II, M.D. and Michael D. Hagen, M.D., declare as follows:

1. As stated in our Declaration, we are the Applicants of the above-identified patent application (hereinafter "Application") and inventors of the subject matter described and claimed therein. We have reviewed the claims pending in this Application.
2. Walton Sumner II, M.D. is one of three co-authors of a journal article entitled "Simulating Patients with Parallel Health State Networks" by Mirosław Truszczyński, Ph.D., Victor W. Marek, Ph.D., and Walton Sumner II, M.D. published in Sumner II *et al.*, *Proceedings of the American Medical Informatics Association Annual Symposium* p.1939-1942 (November, 1998) (hereinafter "Sumner II *et al.*"). The work described in the Sumner II *et al.* paper cited by the Examiner against this Application describes our own work.
3. We conceived of the work described in the Sumner II *et al.* paper, and supervised the remaining co-authors to perform this work under our direction.

4. While Miroslaw Truszczyński and Victor W. Marek were named as co-authors in the Sumner II *et al.* paper for their technical assistance to the work they did not contribute to the conception of the methods claimed in the Application and, thus, are not named as co-inventors of the Application.

5. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

4/15/2003
Date Michael D. Hagen, M.D.

4/15/2003
Date Walton Sumner II, M.D.

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